

109TH CONGRESS
1ST SESSION

S. 1988

AN ACT

To authorize the transfer of items in the War Reserves
Stockpile for Allies, Korea.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION. 1. WAR RESERVES STOCKPILE FOR ALLIES,**
2 **KOREA.**

3 (a) **AUTHORITY TO TRANSFER ITEMS IN STOCK-**
4 **PILE.—**

5 (1) **IN GENERAL.**—Notwithstanding section 514
6 of the Foreign Assistance Act of 1961 (22 U.S.C.
7 2321h), the President is authorized to transfer to
8 the Republic of Korea, on such conditions as the
9 President may determine, any or all of the items de-
10 scribed in paragraph (2).

11 (2) **COVERED ITEMS.**—The items referred to in
12 paragraph (1) are munitions, equipment, and mate-
13 riel such as tanks, trucks, artillery, mortars, general
14 purpose bombs, repair parts, barrier material, and
15 ancillary equipment if such items are—

16 (A) obsolete or surplus items;

17 (B) in the inventory of the Department of
18 Defense;

19 (C) intended for use as reserve stocks for
20 the Republic of Korea; and

21 (D) as of the date of the enactment of this
22 Act, located in a stockpile in the Republic of
23 Korea or Japan.

24 (3) **VALUATION OF CONCESSIONS.**—The value
25 of concessions negotiated pursuant to paragraph (1)
26 shall be at least equal to the fair market value of the

1 items transferred, less any savings (which may not
2 exceed the fair market value of the items trans-
3 ferred) accruing to the Department of Defense from
4 an avoidance of the cost of removal of such items
5 from the Republic of Korea or of the disposal of
6 such items. The concessions may include cash com-
7 pensation, services, waiver of charges otherwise pay-
8 able by the United States (such as charges for dem-
9 olition of United States-owned or United States-in-
10 tended munitions), and other items of value.

11 (4) TERMINATION.—No transfer may be made
12 under the authority of this subsection after the date
13 that is three years after the date of the enactment
14 of this Act.

15 (b) CERTIFICATION REGARDING MATERIEL IN
16 STOCKPILE.—Not later than 60 days after the date of the
17 enactment of this Act, the Secretary of Defense shall cer-
18 tify to the appropriate committees of Congress whether
19 or not the ammunition, equipment, and materiel in the
20 War Reserves Stockpile for Allies, Korea that are available
21 for transfer to the Republic of Korea is of any utility to
22 the United States for any of the following:

- 23 (1) Counterterrorism operations.
24 (2) Contingency operations.
25 (3) Training.

1 (4) Stockpile, pre-positioning, or war reserve re-
2 quirements.

3 (c) TERMINATION OF STOCKPILE.—

4 (1) IN GENERAL.—At the conclusion of the
5 transfer to the Republic of Korea under subsection
6 (a) of items in the War Reserves Stockpile for Allies,
7 Korea pursuant to that subsection, the War Re-
8 serves Stockpile for Allies, Korea program shall be
9 terminated.

10 (2) DISPOSITION OF REMAINING ITEMS.—Any
11 items remaining in the War Reserves Stockpile for
12 Allies, Korea as of the termination of the War Re-
13 serves Stockpile for Allies, Korea program under
14 paragraph (1) shall be removed, disposed of, or both
15 by the Department of Defense.

16 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
17 FINED.—In this section, the term “appropriate commit-
18 tees of Congress” means—

19 (1) the Committees on Armed Services, Appro-
20 priations, and Foreign Relations of the Senate; and

1 (2) the Committees on Armed Services, Appro-
2 priations, and International Relations of the House
3 of Representatives.

Passed the Senate November 9, 2005.

Attest:

Secretary.

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